

APPENDIX A. DEFINITIONS

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APPENDIX A. DEFINITIONS

SECTION A.1 PURPOSE

For the purposes of this Ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

SECTION A.2 INTERPRETATION

- (A) As used in this Ordinance, words importing the masculine gender include the feminine and neuter.
- (B) Words used in the singular in this Ordinance include the plural and words used in the plural include the singular.
- (C) Words used in the present tense include future tense.
- (D) The word person includes a firm, association, organization, corporation, company, trust, and partnership as well as an individual.
- (E) The words may and should are permissive.
- (F) The words shall and will are always mandatory and not merely directive.
- (G) The words used for shall include the meaning designed for.
- (H) The words used or occupied shall mean intended, designed, and arranged to be used or occupied.
- (I) The word lot shall include the words plot, parcel, site, and premises.
- (J) The word structure shall include the word building.
- (K) The word street includes the words alley, road, cul-de-sac, highway, or thoroughfare, whether designated as public or private.
- (L) The word includes shall not limit the term to specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (M) The word Council shall include Town Council of Sunset Beach, North Carolina.
- (N) The word Administrator shall mean the UDO Administrator or his/her designee.

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- (O) The words Board or Planning Board shall mean the Sunset Beach Planning Board.
- (P) The word Town shall mean the Town of Sunset Beach, a municipality of the State of North Carolina.
- (Q) The words map, zoning map, and Sunset Beach Zoning Map shall mean the Official Zoning Map for the Town of Sunset Beach, North Carolina.
- (R) The words Board of Adjustment shall mean the Sunset Beach Board of Adjustment.

SECTION A.3 DEFINITIONS

A

Abutting

Having property or district lines in common.

Access

A way of approaching and entering a property. Access also includes ingress, the right to enter and egress, the right to leave.

Accessory Building/Accessory Structure

A subordinate building or structure detached from the principal building, but located on the same lot or parcel as the principal building, the use of which is incidental and accessory to that of the principal building. Garages, carports and storage sheds are common urban accessory structures.

Accessory Use

A use customarily incidental and subordinate to the principal use of building and located on the same lot with the principal use of building.

Addition (to an existing building)

An extension or increase in the floor area or height of a building or structure.

Adjacent Property

- (1) Defined for residential districts as any adjoining lots sharing a common boundary regardless of the length of that boundary; or
- (2) Intervening streets, roads, or alleys do not change the status of adjacent property with the following exceptions:

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- (a) Major thoroughfares designated as Routes 179 and 904; or
- (b) Residential property adjoining business property.

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Adult Arcade

An establishment where, for any form of consideration, one (1) or more motion picture projectors, slide projectors or similar machines for viewing by five (5) or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, as defined hereinafter.

Adult Bookstore

An establishment that has a substantial portion (more than fifteen percent (15%) of total retail space) of its stock-in-trade and offer for rent or sale, for any consideration, any one (1) or more of the following:

- (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that emphasize upon the depiction or description of specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Business

Any business activity, club, or other establishment which permits its employees, members, patrons, or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

Adult Motion Picture Theater

An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion (twenty-five percent (25%)) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater

A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical area or by specified sexual activities.

Air-Supported Structure

Any structure that derives its structural integrity from the use of internal pressurized air to inflate a pliable material (i.e. structural fabric) envelope, so that air is the main support of the structure, and where access is via airlocks.

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Alley

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

Alteration of a Watercourse

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Apartment Dwelling Unit

A single-family housekeeping unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Apartment House

See Dwelling, Multi-family.

Appeal

A request for a review of the UDO Administrator's interpretation of any provision of this Ordinance.

Applicant

An owner or developer of a site who executes the Stormwater Permit Application pursuant to this Ordinance.

Area, Net

The total area of a residential subdivision, excluding street right-of-ways and other publicly dedicated improvements such as stormwater detention and retention facilities.

Area of Special Flood Hazard

See "Special Flood Hazard Area (SFHA)"

Automobile Service Station or Gas Stations

Any building used for the dispensing, sale or offering for sale, at retail, automobile fuels along with accessories such as lubricants or tires, except that mechanical and electrical repairs and tire repairs shall only be performed indoors and incidental to the conduct of the service station. Activities such as tire retreading, major body work, major mechanical work or upholstery work shall not be permitted. No fuel pumps shall be within fifteen (15) feet of any property line or street right-of-way.

Awning

Any nonrigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

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B

Base Flood

Flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area," it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard," establishes the "Regulatory Flood Protection Elevation."

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Bedroom

In a dwelling, every room with a built-in closet shall be considered a bedroom, except bathrooms, kitchen, dining room, library/study, and great room or any combination of rooms, including the kitchen, dining room, and great room.

Best Management Practices (BMPs)

Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the storm drain system and waters of the United States. Best Management Practices (BMPs) include but are not limited to: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage, or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the County determines appropriate for the control of pollutants. Please refer to the Brunswick County's Stormwater Management Manual for further information and for specific BMP requirements.

Bona Fide Farm

Any tract of land containing at least one (1) acre which is used for activities relating to production, and activities incidental to production of crops, fruits, vegetables, ornamental and flowering plants, grasses and grains, forest products, dairy, livestock, fish and shellfish, poultry, and other agricultural products having a domestic or foreign market, and excludes commercial and industrial processing.

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Breakaway Wall

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Broadcast Communication Tower

Any tower whose principal purpose requires a license to be issued by the Mass Media Bureau of the Federal Communications Commission and is not intended for point-to-point transmissions and their related ancillary and accessory licensed frequencies.

Buffer

A strip of land together with the landscaping and screening required thereon separating and partially or completely obstructing the view of two (2) adjacent land uses or properties from one another. Buffers are meant to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; to reduce the amount of impervious surfaces; to reduce storm water runoff; to provide shade; and to establish a sense of privacy.

Building

See "Building, Principal" and "Structure".

Building Footprint

- (1) The greatest exterior dimension of the structure, including porches, decks, stairways, eaves, gutters and similar fixtures, when extended to ground level.
- (2) Any subsequent alteration to the footprint of a structure may be made providing it does not encroach into any required setback.
- (3) In a residential district, temporary ramping to an existing structure needed for handicapped access may be excluded from the footprint with the approval of the Building Inspector.

Building, Principal

Any enclosed structure used for residence, business, industry, or other public or private purposes. For the purpose of this Ordinance, trailers and mobile homes shall not be considered as buildings.

Building Setback Lines

A line establishing the minimum allowable distance between the nearest portion of any building, including any uncovered porches, steps, eaves, gutters, as well as canopies, marquees, or awnings when measured perpendicularly to the property line.

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C

Camper, Transient

A portable dwelling for use during casual travel and camping.

Canopy

A structure, enclosure, or shelter constructed of fabric or pliable materials supported by any manner, except by air or the content it protects, and is open without sidewalls or drops on seventy-five percent (75%) or more of the perimeter.

Canopy Tree

Large - A tree attaining a height greater than thirty (30) feet with a mature spread of twenty (20) feet or more.

Small - A tree attaining a height of less than thirty (30) feet with a mature spread of ten (10) feet or more.

Certificate of Occupancy

Official certification that a premises conforms to provisions of the zoning code and building code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use.

Certified Local Government (CLG) Programs

Approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Channel Bank

The location of the upper edge of the active channel above which the water spreads into the overbanks on either side of the channel or the elevation of the two-year frequency storm. Where the channel bank is not well defined, the channel bank shall be considered the edge of the waterline during a two-year frequency storm.

Chemical Storage Facility

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Clean Water Act

The Federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

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Coastal A Zone (CAZ)

An area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones; in a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMS. (see Limit of Moderate Wave Action (LiMWA))

Coastal Area Management Act (CAMA)

Means North Carolina's Coastal Area Management Act, this act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environment and Natural Resources' (NCDENR's) Division of Coastal Management (DCM).

Coastal Barrier Resources System (CBRS)

Undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

Coastal High Hazard Area

A Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Section 12.02(B) of this Ordinance, as Zone VE.

Collocation

The placement of additional antennas or antenna arrays on an existing or approved telecommunication tower (or alternative structure), the sharing of an antenna or antenna array or otherwise sharing a common location by two (2) or more FCC licensed providers of personal wireless services.

Community Center

A building for a community's educational and recreational activities.

Congregate

Providing or being group services or facilities designed for elderly persons requiring supportive services and housing.

Congregate Care Facility

A licensed multi-unit facility which provides housing, part-time medical care, shared food preparation and dining areas, and recreational facilities, as well as significant social facilities to meet the needs

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of the elderly and handicapped. Congregate care facilities do not include nursing care institutions or similar institutions devoted primarily to the care of the chronically ill or incurable.

Construction Activity

Activities subject to NPDES Construction Permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Continuing Care Community

An area of land including one (1) or more buildings under unified management planned and developed as a unit to provide for the traditional residency and care of the elderly or handicapped in a full range of living and care arrangements which includes at least two (2) of the following: independent living and care, congregate care, and/or nursing care institutions.

Copy

The characters, letters, or illustrations displayed on a sign face.

County

Brunswick County, North Carolina.

Critical Root Zone

The critical root zone is defined as the ground area around a tree trunk with a radius (in feet) that is twice the diameter of the tree (in inches) measured at breast height.

D

Day Care Facilities

Any child care arrangement which provides day care on a regular basis for more than four (4) hours per day for more than five (5) children, wherever operated and whether or not operated for profit, except that the following are not included: public schools; nonpublic schools whether or not accredited by the State Department of Public Instruction, which regularly and exclusively provides a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; summer day camps; and bible schools normally conducted during vacation periods.

Design Flood

See "Regulatory Flood Protection Elevation."

Design Storm

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The specific frequency and, if necessary, duration of the rainfall event to be used in design to meet the criteria established in the Storm Water Management Manual.

Development

Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil. This also involves any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Activity

Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Digital Flood Insurance Rate Map (DFIRM)

The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Disposal

As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Drainage Structures

Shall include swales, channels, storm sewers, curb inlets, yard inlets, culverts, and other structures designed to convey stormwater.

Dune Walkover

An accessway constructed to CAMA standards and must be for public access to an ocean beach.

Duplex

See Dwelling, Two-Family.

Dwelling

A building or portion thereof designed, arranged or used for permanent living quarters for one (1) or more families. The term dwelling shall not be deemed to include a motel, hotel, tourist home or other such structures designed for transient residence.

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Dwelling, Condominium

An individual ownership of a unit in a multi-unit structure (as an apartment building) or on land owned in common.

Dwelling, Multi-family

Three (3) or more attached units on a single parcel which may share means of egress and ingress and other facilities.

Dwelling, Single-family

A detached building consisting of one (1) dwelling unit, with the following characteristics:

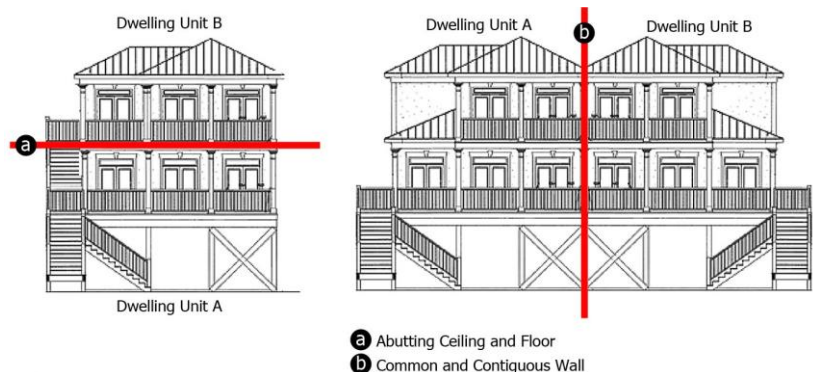
- (1) One (1) water connection and one (1) power connection;
- (2) Served by one (1) septic tank, the capacity of which cannot exceed the generated waste capacity of a four (4) bedroom dwelling; and
- (3) One (1) cooking facility.

Dwelling, Triplex

A detached building, designed for three (3) single-family dwelling units, divided horizontally or vertically and designed for or occupied by three (3) single-family housekeeping units, contained entirely under one roof and having one (1) dividing partition common to each unit or having the ceiling structure of the lower units the floor structure of the unit above.

Dwelling, Two-Family or Duplex

A detached building, designed for two (2) single-family dwelling units, divided horizontally or vertically and designed for or occupied by two (2) single-family housekeeping units, contained entirely under one (1) roof and having one (1) dividing partition common to each unit or having the ceiling structure of the lower unit the floor structure of the unit above.



E

Easement

Authorization by a property owner for the use of land by another for a specific purpose. No transfer of ownership is involved. Although land located within an easement is generally consumed into the property of an individual lot owner, the easement shall remain free of structures or any above

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ground level improvements in order to allow personnel from the appropriate agencies unobstructed access in order to maintain the easement for its specified purpose.

Electronic Gaming Operation

A business enterprise, whether principal or accessory, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not value of such distribution is determined by electronic games played or by predetermined odds (as allowed by State law).

Elevated Building

A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment

The advance or infringement of uses, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Entertainment and Amusement Type Business

Pool, billiard or similar tables; pinball machines; or mechanical or electronic amusement devices which are or may be operated on the payment of money, trade, token, or slug, whether directly or indirectly, and which operate or may be operated by retail patrons as games or contests of skill. A device must not contain any automatic payoff device for the return of money or trade; nor the provision for the return of money or trade to the player.

Erect

To assemble, construct, build, raise, place, install, affix, attach, create, paint, draw or in any other way bring into being or establish.

Existing Building and Existing Structure

Any building and/or structure for which the "start of construction" commenced before November 18, 1972.

Existing Manufactured Home Park or Manufactured Home Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.

Existing Trees

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Includes large shade trees, ornamental trees, evergreens, and natural dune forest trees that are protected and retained during lot clearing and construction and thereby become an integral part of the final landscaping plan.

F

Family

One (1) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit and having a recognized head of household. For the purpose of this chapter, such persons may include gratuitous guests, contributing roommates, and domestic servants employed on the same premises.

Fence

Any constructed barrier erected along a property line or erected within any setback requirement.

Festoon

Adorn (a place) with ribbons, garlands, or other decorations.

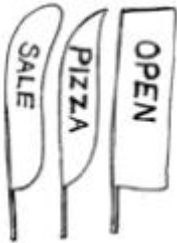
Festoon Lighting

Lighting by festoons of electric lamps wired to a flexible cable.

Feather Flag

A vertical portable sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. (See Example.)

Example



Finished Ground Level

Considered to be the average finished elevation of the lot measured at the front of the building, or at the rear of the building on ocean front lots, before landscaping and fill for septic tanks and septic fields.

Floor Area, Gross

The total floor area enclosed within a building.

Flood or Flooding

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A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; and/or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance

The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM)

An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (See also DFIRM.)

Flood Insurance Study (FIS)

An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Flood Prone Area

See Floodplain.

Floodplain

Any land area susceptible to being inundated by water from any source.

Floodplain Administrator

The individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit

Any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

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Floodplain Management Regulations

The Flood Damage Prevention Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes Federal, State, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Flood-Resistant Material

Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway Encroachment Analysis

An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

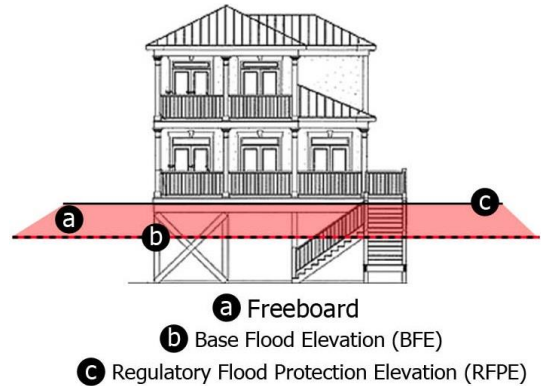
Flood Zone

A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

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Freeboard

The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation."



Frontage, Lot

The length of that part of a zoned lot that fronts a public street.

Functionally Dependent Facility

A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

G

Garage, Private

A building used as an accessory to or part of the main building permitted in any residential district and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

Golf Courses/Golf Club Property

That portion of the PRD property on which Golf Course(s)/Club(s) and related facilities are located, the boundary lines of which shall be shown on a plat or plats of the properties containing the PRD. The Golf Course(s)/Golf Club(s) property shall include: (1) property owned by the Golf Course/Golf Club Owner; and (2) the Golf Course Easements property (if applicable).

Government Utility

The use of land for utility purposes, whether or not owned, controlled, or operated by a state, federal, or local unit of government, whose services are performed for or commodities delivered to the public or any portion thereof. Government utility does not include airports or television, radio, or community television antenna system administration offices, or other types of administrative offices or maintenance yards.

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Ground Level

The mean elevation at the front of the building or at the rear of the building on ocean front lots.

Greensward

An open space that will run parallel to the front property setback line abutting any street right-of-way.

Guest House

Living quarters within a detached accessory building located on the premises with the main buildings for use by temporary guests or domestic help of the occupants of the premises; the quarters shall not contain kitchen facilities and shall not be rented or used as a separate dwelling.

H

Handicapped Person

A person with a physical or mental impairment which substantially limits one (1) or more of such person's life activities; a record of having such impairment; or being regarded as having such an impairment. This definition does not include current illegal use of or addiction to a controlled substance. This definition includes children, but does not include persons who are dangerous to others as defined by NCGS 122C-3.11 (b).

Hazardous Materials

Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous Waste Management Facility

As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Heavy Manufacturing

Uses that typically produce excessive noise, odor, smoke, dust, airborne debris, and other objectionable characteristics.

Height, Building/Structure

As applied to a building, means the vertical distance from finished ground level to the highest part of the building or any structure attached to the building excluding chimneys, flag poles, antennas, church spires, and necessary mechanical devices.

Heritage Tree

For the purposes of this Ordinance, heritage trees shall be defined as follows:

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- (1) An american holly with a trunk caliper measurement of 8" or greater measured at 4.5 feet above ground;
- (2) A flowering dogwood with a trunk caliper measurements of 4" or greater measured at 4.5 feet above ground;
- (3) A redbud with a trunk caliper measurement of 4" or greater measured at 4.5 feet above ground;
- (4) A live oak with a trunk caliper measurements of 4" or greater measured at 4.5 feet above ground;
- (5) Any tree species included in Appendix C with a trunk caliper measurement of 18" or greater measured at 4.5 feet above ground.

Highest Adjacent Grade (HAG)

The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Structure

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program;"^a or
- (4) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Home Occupation

Any occupation or profession carried on entirely within a dwelling by one (1) or more occupants thereof, providing that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that not more than twenty-five percent (25%) of the total floor area is used for such purposes, that there is no outside or window display, that no merchandise or commodity is sold on the premises, that no mechanical or electrical equipment is installed or used other than is normally used for domestic, professional, or hobby purposes, or for infrequent consultation or

APPENDIX A. DEFINITIONS

emergency treatment and providing that no person not a resident of the dwelling is employed in connection with the home occupation.

Hotel

Any building or establishment operated or intended as a place where sleeping accommodations are provided for pay for the use of transient or permanent guests or tenants. Dining rooms and club rooms, principally used for the accommodation of the house guests, may be operated in connection with any hotel if located within the hotel premises. Club rooms are subject to existing ordinances and such other rules and regulations as may hereafter be adopted.

Hot Tub

A structure intended for recreational bathing with the capacity for using aerated water, in which all controls, water-heating and water circulating equipment are in integral part of the structure or product (also called "Jacuzzi").

(Am. Ord. 2/1/16)

I

Illegal Discharge

Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, or other discharge of any substance other than stormwater into a stormwater conveyance system, the waters of the State, or upon the land such that the substance is likely to reach a stormwater conveyance system or waters of the State constitutes an illegal discharge, except as exempted in this Ordinance.

Illicit Connections

An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the County.

Impervious Surface

Any surface which in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not be limited to compacted earth (such as marl and coquina), gravel, concrete, asphalt, or other paving material, and all areas covered

APPENDIX A. DEFINITIONS

by the footprint of buildings or structures. The following are considered pervious surfaces: uncovered wooden slatted decks; the water area of a swimming pool; a surface of number 57 stone, as designated by ASTM International, laid at least four inches thick over a geotextile fabric (needle punched, non-woven, high survivability, with a puncture strength of 250 newtons); or a trail as defined in GS 143B-135.94B that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).

Industrial

A company engaged in production or services on a small scale. Products are not made from raw materials.

Industrial Activity

Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Intermittent Streams

A natural drainage way which shows up as a blue line on the USGS 7.5-minute quadrangle maps and has a contributing drainage area of three hundred (300) acres or less shall be considered an intermittent stream for the purposes of this Ordinance.

J

Joint Access Driveways

The use of joint access points/driveways to serve adjacent parcels abutting thoroughfares.

K

None

L

Land Disturbing Activities

The use of land by any person that results in a change in the natural cover or topography that may contribute to or alter the quantity and/or quality of stormwater runoff.

Landscaping

Includes trees, shrubbery, grass, ground covers, and privacy fencing which may be considered to buffer utility areas.

Large and Shade Trees

APPENDIX A. DEFINITIONS

A large tree includes indigenous shade trees and palm trees that grow to twenty (20) feet or more at maturity.

Large Shrub

An upright plant growing five (5) to ten (10) feet in height at maturity.

Letter of Map Change (LOMC)

An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (1) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light Duty Truck

Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Light Manufacturing

APPENDIX A. DEFINITIONS

Uses that require warehousing, storage, and intensive industrial uses. Production of products made from raw materials, by hand or machinery.

Limit of Moderate Wave Action (LiMWA)

The boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).

Livestock

Mules, cattle, swine, goats, sheep, poultry, and all other animals that typically are kept primarily for productive or useful purposes rather than as pets.

Loading Space, Off-street

Space logically and conveniently located for bulk pickups and deliveries. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot

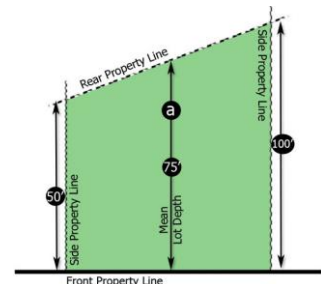
A parcel of land occupied or intended for occupancy by a principal building together with its accessory buildings; including the open space required under this chapter. For the purpose of this chapter, the word *lot* shall be taken to mean any number of contiguous lots or portions thereof.

Lot Corner

A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one hundred thirty-five (135) degrees with each other.

Lot Depth

The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the rear lot line.



Lot, Irregular Configuration

A lot which meets the required square footage but does not have a recognizable front yard, rear yard, or side yard, such as a triangular lot. The owner shall be required to specify same when requesting a building permit. The Zoning Officer and the Building Inspector will make an inspection and determination of which setback requirements will apply.

Lot Lines

The property lines established by survey defining a lot.

APPENDIX A. DEFINITIONS

Lot, Ocean Front

For building setback and yard designation purposes, the front of the lot is that which faces the ocean; the back being that abutting Main Street.

Lot of Record

A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of the County or a lot described by meets and bounds, the description of which has been so recorded.

Lot Width

The width of a lot is the greater mean measured at right angles to its depth over as much of the lot depth as is needed to achieve the minimum required lot areas.

Lowest Adjacent Grade (LAG)

The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

M

Maintenance, Telecommunication Tower

The tower must be maintained in accordance with the requirements stated within the EIA standard and as stipulated by the tower designer and manufacturer.

Major Collectors

Heavy use radial route that carries a large amount of beach traffic in the southern region of Brunswick County.

Major Development

A residential development consisting of a minimum of four hundred (400) contiguous acres that may include several subdivisions.

APPENDIX A. DEFINITIONS

Manufactured Home

- (1) A residential dwelling unit that:
 - (a) is not constructed in accordance with the standards set forth in State Building Code;
 - (b) is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the lot on its own chassis; and
 - (c) Exceeds forty (40) feet in length and eight (8) feet in width.
- (2) A manufactured home may also be referred to as a Mobile Home.
- (3) A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Market Value

The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal: replacement cost depreciated for age of building and quality of construction

Marquee

A permanent structure other than roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Massage

Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

Massage Business

Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Excluded from this definition are legitimate massage therapists, bodywork therapists, or contact manipulation therapists, working under the direct supervision of a licensed physician, or who in the regular course of their respective businesses, have been licensed or certified by any governmental subdivision in the State, or licensed or certified by a recognized association or organization on file with the Secretary of State, the State Board of Chiropractic Examiners, N.C. Board of Medical Examiners, N.C. Board of Occupational Therapy, N.C. Board of Physical Therapy Examiners or Board of Podiatry Examiners or have been certified or licensed by a national organization and similarly registered.

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Materials Storage Yard

Any land or area used, in whole or in part, for the storage or sale of either waste papers, rags, scrap metal, and other disposed materials; building, electrical and plumbing materials; and including storage of motor vehicles and dismantling of those vehicles; or machinery or parts thereof.

Mean Sea Level

For purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

Medium Shrub

A shrub growing two (2) to five (5) feet in height at maturity.

Model Home/Unit

A dwelling unit temporarily used for display purposes as an example of the dwelling units available or to be available for sale in a particular subdivision or other residential development.

Modular Homes

A manufactured building designed to be used as a one (1) or multi-family dwelling unit which has been constructed and labeled indicating compliance with the North Carolina Residential Code, current Edition.

Monopole

A tower supported by a single pole structure whose principal function is to support an antenna.

Motel

One (1) or more buildings containing sleeping units with individual access to the outside in which accommodations are provided and offered to guests for compensation.

Motorized Dwelling

A motor vehicle equipped as living quarters.

 N

National Pollutant Discharge Elimination System (NPDES)

Stormwater Discharge Permits

General, group, and individual stormwater discharge permits that regulate facilities defined in Federal NPDES regulations pursuant to the Clean Water Act.

APPENDIX A. DEFINITIONS

Natural Drainage Way

An incised channel with a defined channel bed and banks that are part of the natural topography. Construction channels such as drainage ditches shall not be considered a natural drainage way unless the constructed channel was a natural drainage way that has been relocated, widened, or otherwise improved.

New Construction

Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

Newsrack

Any individual self-service or coin-operated box, container, storage unit, or other dispenser, installed, used or maintained for the display, distribution or sale of any written or printed material, including but not limited to, newspapers, new periodicals, magazines, books, pictures, photographs, advertising circulars, and records (hereinafter collectively referred to as "newsrack material"). A telephone number of the person or persons responsible for the newsrack must appear on the box.

Nonbroadcast Communication Tower

Any tower that is not a broadcast communication tower.

Nonconforming Building

Any building or structure which does not conform to the dimensional requirements of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments which may be incorporated into this chapter.

Nonconforming Lot

A lot existing at the effective date of this chapter or any amendment to it (and not created for the purpose of evading the restrictions of this chapter) that cannot meet the minimum area or lot width or depth requirements of the district in which the lot is located.

Nonconforming Use

The use of a building or land which does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments which may be incorporated into this chapter.

Non-Encroachment Area

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

APPENDIX A. DEFINITIONS

Non-Stormwater Discharge

Any discharge to the storm drain system that is not composed entirely of stormwater.

O

Open Space

An area (land and/or water) generally lacking in manmade structures, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources, or (2) protect streams or water supplies, or (3) promote conservation of soils, wetlands, beaches or tidal marshes, or (4) enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, or sanctuaries, or (5) enhance recreational opportunities.

Otherwise Protected area (OPA)

See "Coastal Barrier Resources System (CBRS)".

Outparcel Establishments

Any establishment located on the premises of a shopping center that is not physically attached to the main shopping center structure.

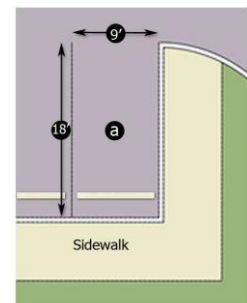
P

Parking Lot

An area or plot of land used for the temporary parking of vehicles.

Parking Space

The storage space for one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way. Each PARKING SPACE shall have the minimum dimensions of nine (9) by eighteen (18) feet.



Perennial Stream

Perennial streams are streams that have essentially continuous flows and are shown on the United States Geological Survey 1:24,000 (7.5 min.) scale topographic maps. Streams that have a contributing drainage area of more than three hundred (300) acres shall be considered perennial streams for the purposes of this Ordinance.

Planned Residential Development (PRD)

The total development of one (1) tract of land under one (1) central control of ownership.

APPENDIX A. DEFINITIONS

Planning Board

The public agency in a community usually empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.

Plat

A map showing the location, boundaries, and ownership of individual properties.

Plat, Final

A plat prepared in accordance with the requirements of this chapter and North Carolina General Statutes section 47-30, in a form suitable for recording, with necessary affidavits, dedications, and with complete bearings and dimensions of all lines defining lots, streets, public and private areas, and other dimensions of land required by this chapter.

Plat, Preliminary

A plat prepared in accordance with the requirements of this chapter, drawn to scale, which delineates the proposed subdivision in sufficient detail including but not limited to, street right-of-ways and lot layout. The preliminary plat precedes the final plat preparation.

Pollutant

Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; untreated commercial car wash water and industrial discharges, contaminated fountain drains and cooling waters; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

Pollution

The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.

Post-FIRM

Construction or other development for which the "start of construction" occurred on or after November 18, 1972, the effective date of the initial Flood Insurance Rate Map.

Pre-FIRM

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Construction or other development for which the "start of construction" occurred before November 18, 1972, the effective date of the initial Flood Insurance Rate Map.

Premises

Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Primary Dune

The first dune located landward of the ocean beaches having an elevation equal to the mean flood level for the area plus six (6) feet. The primary dune extends landward to the lowest elevation in the depression behind the same mound of sand which is commonly referred to as the dune trough.

Primary Frontal Dune

A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Principally Above Ground

At least fifty-one percent (51%) of the actual cash value of the structure is above ground.

Private

As used in docks and piers, is intended to mean not for commercial gain or public use. It applies to residential multi-family, time-share condo, or single use.

Private and/or Public Piers and Docks

A pier or dock used by the public or private entity for the purposes of crabbing, fishing, and observation. These docks and piers may not be used for the docking of boats.

Private Community Center

To include but not be limited to beach clubs, cabana clubs, property owners association facilities, and similar type uses. A building or facility owned or operated by an incorporated, unincorporated, chartered association, or an individual or individuals nominated by such entities for the purpose of engaging in social, civic, educational, recreational, cultural, or similar activities; but not for profit or to render a service that is customarily carried on as a business for the benefit of its members.

Private Pier and Boat Slips

APPENDIX A. DEFINITIONS

A pier and a maximum of two (2) boat slips that are owned by the person or entity of the single-family residential water front lot with riparian rights along a canal, bay, creek, or the ICWW to which the pier is attached, and the private pier is used only by the lot owner, his/her family, and guest.

Public Safety and/or Nuisance

Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Q

None

R

Recreational Vehicle (RV)

A vehicle, which is:

- (1) built on a single chassis;
- (2) four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

For the purpose of this ordinance, "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

Reference Level

The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones AE. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

Register of Deeds

The words "register of deeds" shall mean the Register of Deeds for Brunswick County, North Carolina.

Regulated Tree

The subsurface roots, crown, and trunk of:

APPENDIX A. DEFINITIONS

- (1) Any self-supporting woody perennial plant such as a large shade or pine tree, which usually has one (1) main stem or trunk and has a measured caliper as follows:
 - (a) A hardwood tree: eight (8) inches.
 - (b) A pine tree: twelve (12) inches.
- (2) Any small flowering tree, such as dogwood, with a measured caliper of at least four (4) inches.

Regulations

The word "regulations" shall mean the regulations of the Town of Sunset Beach Unified Development Ordinance, and shall include the word "Ordinance."

Regulatory Flood Protection Elevation

The "Base Flood Elevation" plus the "Freeboard." In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Remedy a Violation

To bring the structure or other development into compliance with this Ordinance and State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Replat

A final plat drawn for the purpose of lot consolidations and rearrangements which conforms to the definition of a "subdivision" in this section. The UDO Administrator shall review and give approval to all replats prior to recordation and the transfer of the lots. All replats must conform to the final plat standards found in Section 13.02 of this Ordinance and all of the following:

- (1) If any individuals owning lots within the subdivision do not wish to participate in the replatting of the subdivision, the subdivider may only propose the replatting of those remaining lots in his/her ownership.
- (2) No public street, right-of-way or easement, or existing lot access not in the ownership of the subdivider shall be changed, altered or adversely affected by the replatting.

APPENDIX A. DEFINITIONS

- (3) If one or all of the above provisions cannot be complied with by the proposed replatting, the proposal will be reclassified as a subdivision by the UDO Administrator and must be processed in accordance with the procedures established herein for that classification.

Riparian Buffer

An area of trees, shrubs, or other vegetation that is adjacent to a natural drainage way. Riparian buffers reduce the impact of upland sources by trapping, filtering, and converting nutrients, sediments, and other chemicals, and maintain the integrity of the natural drainage way. For the purposes of this Ordinance, surface water shall be present if the feature is approximately shown on the most recent version of the 1:24,000 (7.5 min.) quadrangle topographic maps prepared by the United States Geological Survey (UGSG) or on the latest version of the Brunswick County Soil Map as prepared by the U.S. Department of Agriculture Natural Resource Conservation Service (NRCS).

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

S

Salvage Yard

Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Sand Dunes

Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Setback

The required distance between every structure and the lot lines of the lot on which it is located.

Sexually Oriented Business

Any business activity, club, or other establishment, within which the exhibition, showing, rental or sale of materials distinguished or characterized by an emphasis on material depicting, describing or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to adult arcades, adult bookstores, adult motion picture theaters, adult theaters, and massage businesses, as defined by this Ordinance.

Shear Wall

Walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the water.

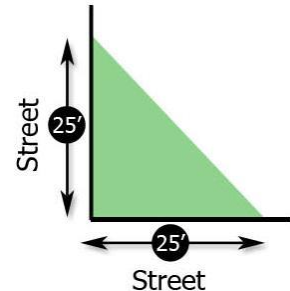
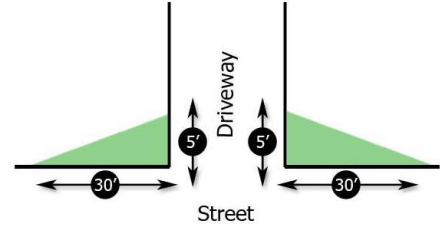
Shopping Center

APPENDIX A. DEFINITIONS

A commercial development consisting of retail and public commercial uses which consists of five (5) or more establishments planned as an integrated development.

Sight Visibility Triangle

- (1) The land adjoining a street intersection or egress to a street from off-street parking areas that is kept clear of obstructions to protect the visibility and safety of motorists and pedestrians.
- (2) At all points of egress from off-street parking areas to a road, unobstructed visibility shall be maintained at an elevation of between three (3) and seven (7) feet of the center line pavement level, within the two (2) areas formed by two (2) right angle triangles, on the sides of the driveway. Each triangle shall have a base measuring five (5) feet along the edge of the driveway and a height measuring thirty (30) feet along the edge of the road right-of-way.
- (3) At the corners of road intersections, unobstructed visibility shall be maintained at an elevation between three (3) and seven (7) feet of the center line pavement level within an area required by the regulations adopted by the Department of Transportation of North Carolina in Subdivision Roads: Minimum Construction Standards, May 1, 1983, and any subsequent amendments thereto.



Sign

Any words, lettering, figures, numerals, emblems, devices, trademarks or trade names, or combination thereof, by which anything is made known as the designation of an individual firm, corporation, profession, business, commodity or product, and which is designed to attract attention or convey a message.

Sign, Abandoned

A permitted sign which was erected on property in conjunction with a particular use which use has been discontinued for a period of thirty (30) days or more or a permitted temporary sign for which the permit has expired.

Sign, Awning

A sign placed directly on the surface of an awning.

Sign, Banner

A sign that is mounted on or attached to a nonrigid surface such as cloth, fabric, or paper.

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Sign, Business

A sign which directs attention to a business, profession, commodity, service, or entertainment sold or offered upon the premises where the sign is located or to which it is attached.

Sign, Canopy

A sign attached to a canopy.

Sign, Changeable Copy

A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Sign, Dilapidated

Any sign which is structurally unsound, has defective parts, or is in need of painting or maintenance.

Sign, Directional

A sign that provides directional assistance for the convenience of the public such as location of exits, entrances, and parking lots for on-site directional signs and also the location of public services, major attractions, and privately-owned outdoor recreational areas that are nationally or regionally known and of outstanding interest to the traveling public for off-site directional signs.

Sign, Directory

A sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

Sign, Free-standing

The general term for any sign which is supported from the ground and not attached to a building.

Sign, Illegal

Any sign erected or maintained in violation of a preceding ordinance or erected, altered, removed, or replaced in violation of this Ordinance.

Sign, Illuminated

A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Sign, Inflatable Advertising Billboards

An inflatable device designed for advertising an activity, business, product, or service whether attached directly to the floating device or flying overhead, i.e., banner.

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Sign, Inflatable Floating Advertising Billboard

Advertising displayed on billboards that float, travel atop a vessel, or are towed on any body of water within the Town jurisdiction for the purpose of advertising an activity, business, product, or service whether attached directly to the device or flying overhead, i.e., banner.

Sign, Legal Nonconforming

A sign that met all legal requirements when constructed, but that is not in compliance with this Ordinance. An illegal sign is not a legal nonconforming sign.

Sign, Marquee

A sign attached to and made part of a marquee or any other similar projection from a building.

Sign, Mobile

A sign attached to, mounted, pasted, painted, or drawn on any vehicle, whether motorized or drawn, that is placed, parked, or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message.

Sign, Monument

A freestanding sign with a base affixed to the ground which measures at least two-thirds (2/3) of the horizontal length of the sign.

Sign, Multi-Face

A sign that has three (3) or more sides.

Sign, Nonconforming

See Legal Nonconforming Sign.

Sign, Off-Premises or Off-Premises Advertising

Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the Federal, State, County, or Town government or their public agencies. (Excepted also from this definition are certain other private directional signs described elsewhere in this Ordinance.)

Sign, On-Premises

Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is located on the premises upon which the sign is located.

Sign, Pole

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A freestanding sign which is supported from the ground by a pole or poles or which has a base less than two-thirds (2/3) the horizontal length of the sign.

Sign, Portable

Any sign that is not permanently affixed to a building, structure or the ground or designed to be permanently affixed to a building, structure, or the ground.

Sign, Projecting

A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.

Sign, Sidewalk or Sandwich

A movable sign not secured or attached to the ground or any building or structure.

Sign, Snipe

An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

Sign, Swinging

A sign installed on an arm, mast, or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.



Sign, Temporary

A sign that is displayed only for a specified period of time not to exceed six (6) months.

Sign, Wall

A sign painted on or attached to a wall of a building and parallel to the wall.

Sign, Window/Display

Any sign and/or display which is painted on, applied to, or projected upon or within the exterior or interior of a building glass area, including doors.

Significant Stands of Trees

Any stands of trees containing five (5) or more hardwoods or fifteen (15) or more softwoods.

Site Plan

A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings,

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major landscape features, both natural and man-made and, depending on requirements, the location of proposed utility lines.

Small Shrub

A shrub growing to less than two (2) feet in height at maturity.

Small to Medium or Ornamental Tree

A small to medium indigenous tree growing to a minimum of fifteen (15) feet at maturity. ***Solid Waste Disposal Facility***

As defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

Solid Waste Disposal Site

As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Flood Hazard Area (SFHA)

The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Section 12.02(B) of this Ordinance.

Special Sign District

Areas of the Town requiring special sign approval through the Planning Board due to unique circumstances.

Special Use Permit

A permit issued by the Board of Adjustment authorizing the development of a special use of a parcel, site, or lot for the purpose of this Ordinance.

Specified Anatomical Areas

Less than completely and opaquely covered human genitals; pubic regions, buttocks, and female breasts below a point immediately above the top of the aureole.

Specified Sexual Activities

- (1) Human genitals in a state of stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, sodomy; or
- (3) Fondling of other erotic genitals, pubic regions, buttocks, or female breasts.

Start of Construction

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means

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either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Storage Units, Self-Service

A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Storm Drain System

Publicly- and privately-owned facilities operated by the County by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the County and are not part of a publicly-owned treatment works as defined in 40 CFR Section 122.2.

Stormwater

Any surface flow, runoff, and drainage consisting entirely of water from rainstorm events.

Stormwater Administrator

The person designated by the County Manager of Brunswick County to have authority to review and approve Stormwater Permits and stormwater management plans. The Stormwater Administrator shall also be responsible for inspecting development and making sure the provisions of this Ordinance are being followed.

Stormwater Facilities

Shall include devices designed specifically to detain or retain stormwater for water quantity or water quality control. These devices shall not include those drainage structures that provide incidental water quantity or water quality control. These devices include but are not limited to wet ponds, dry ponds, bioretention areas, filter strips, or infiltration trenches.

Stormwater Management Manual

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The manual of design, performance, and review criteria adopted by Brunswick County Board of Commissioners for the administration of the Stormwater Program.

Street

The word "street" includes the words road, cul-de-sac, highway, and thoroughfare.

- (1) Private Street: A right-of-way for vehicular traffic which is constructed to acceptable public street standards and dedicated to a select portion of the public. This responsibility for the maintenance of a private street shall be borne by an established owners' association or other owner through recorded legal agreements.
- (2) Public Street: A right-of-way for vehicular traffic dedicated and accepted for maintenance for public use.
- (3) Collector Street: A street which collects traffic from local streets and carries it to the arterial system. Collectors may supplement the arterial system by facilitating some through traffic volumes and may also serve abutting property.
- (4) Local Street: A street that serves primarily to provide direct access to abutting property.
- (5) Frontage road: A local street auxiliary to and located on the side of an arterial to provide:
 - (a) Service to the abutting property and adjacent areas; and
 - (b) Control of access.
- (6) Cul-de-sac: A local street or section of local street closed at one end with a turnaround area provided.
- (7) Alley: A local street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
- (8) Private access easement: A private easement providing access to a maximum of four (4) residential units and constructed to meet the minimum standards of design established in Chapter 98.

Structural Alterations

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.

Structure

A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. Structures include buildings, wells, screened enclosures, fences, advertising signs, billboards, poster panels, swimming pools, manufactured houses, modular houses, and underground shelters. For purposes of the flood plain management regulations, a structure means, a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facilities or infrastructures that are principally above ground, and does not include any of the following:

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- (1) In-ground pools.
- (2) An electric generation, distribution, or transmission facility.
- (3) A gas pipeline or gas transmission or distribution facility, including a compressor station or related facility.
- (4) A water treatment or distribution facility, including a pump station.
- (5) A wastewater collection or treatment facility, including a lift station.

Structure, Accessory

Anything constructed or erected, the use of which is customarily incidental and subordinate to that of the principal building on the same lot. For the purpose of this Ordinance, septic tanks and drainage fields, trailers and mobile homes shall not be considered structures.

Subdivision

All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this Ordinance. However, any document or plat to be recorded pursuant to such exclusions shall have the notation of "no approval required" and the signature of the UDO Administrator before filing with the office of the Register of Deeds:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this chapter and the applicable zoning regulations.
- (2) The division of land into parcels greater than ten (10) acres where no street right-of-ways dedication is involved
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets.
- (4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance and the applicable zoning regulations.

Subdivision, Major

The division of a tract of land into six (6) or more lots.

Subdivision, Minor

A subdivision of land, as defined herein, out of a tract in single ownership which:

- (1) Does not involve the dedication of right-of-ways or construction of new streets.

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- (2) Does not involve construction alterations to existing streets except for alterations required solely as a condition of the installation of a driveway pursuant to Chapter 98.23 (A)(4).
- (3) Does not require the extension of any public utilities.
- (4) Does not create any public improvements, dedication of parks, open space or recreation land for public use, provided, however, if the only public improvement required is the extension of sidewalks along existing streets, the subdivision shall be deemed to be a minor subdivision.
- (5) Does not land-lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property.
- (6) Does not fall within the corridors of any planned or proposed street as shown upon an adopted thoroughfare plan of the Town.
- (7) Does not violate any other local, State or Federally adopted law, ordinance, regulation, plan or policy.
- (8) Does not require approval of or permit from any other regulatory agency at any level of government.
- (9) Each lot in the minor subdivision, as defined herein, shall abut an open, publicly dedicated and accepted street for a distance as prescribed by the Zoning and Subdivision Ordinances and shall meet or exceed the minimum area and dimensional requirements as specified therein. Each lot or parcel subdivided and intended to be an addition to an existing lot or lots which front a publicly dedicated and accepted street may be allowed under this definition. Such additions to an approved existing lot as described above may be allowed to be added to the side or rear of the existing lot.

Substantial Damage

Damage of any origin sustained by a structure during any one (1) year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before damage occurred.

Substantial Improvement

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1) year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

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- (1) Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 12 of this ordinance.

Swimming Pools

Any aboveground or inground pool suitable for swimming.

I

Technical Bulletin/Technical Fact Sheet

A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

Telecommunication Tower

A structure designed to support antennas used to provide commercial mobile radio services or other personal wireless service (such as cellular telephone communications, personal communication service (PCS), paging, specialized mobile radio (SMR), and marine radio), excluding satellite dish antennas, amateur, ham radio antennas, or public safety service antennas.

Temperature Controlled

Having the temperature regulated by a built-in heating and/or cooling system.

Temporary Uses

Temporary uses shall be limited to a use or uses of land, buildings, or structures not intended to be of a permanent duration.

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Tent

A collapsible shelter used for camping outdoors or as a temporary building.

Through Lot

A lot other than a corner lot with frontage on more than one (1) street.

Total Retail Space

Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

Tower

Any structure whose principal function is to support an antenna.

Town Council

The governing body of the Town of Sunset Beach.

Townhouse

A single-family dwelling unit constructed in a series or group of attached units with property lines separating the units.

Trailer

A nonautomotive equipment designed to be hauled by road to serve wherever parked as a temporary dwelling or place of business.

Transient

Passing through with only a short and brief stay.

U

UDO Administrator

The official charged with the enforcement of this UDO.

Unattended Telephone Communication Facility

A small windowless structure housing telephone equipment that does not require regular employee attendance for operation.

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V

Variance

A relaxation of the terms of this Ordinance where the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of a structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of fine presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Vegetative Buffer

An area that has a dense ground cover of herbaceous or woody species, which provides for diffusion and infiltration of runoff and filtering of pollutants.

Vested Rights

Vested right shall be based upon the following criteria:

- (1) Having an outstanding valid building permit in compliance with NCGS 153A-344.1 or NCGS 160A-385.1, or
- (2) Having an approved site specific or phased development plan in compliance with NCGS 153A-344.1 or NCGS 160A-385.1.

Projects that require a State permit, such as landfills, NPDES wastewater discharges, land application or residuals, and road construction activities, shall be considered to have vested rights if a State permit was issued prior to the effective date of the adoption of the Stormwater Ordinance.

Video Gaming Machines

As defined in NCGS 14-306.1.

Violation

The failure of a structure or other development to be fully compliant with this Ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

W

Watercourse

A lake, pond, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

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Water Dependent Structures

Those structures which require the access or proximity to, or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not considered water-dependent structures.

Waters of the United States

Surface watercourses and water bodies as defined in 40 CFR ' 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

Water Surface Elevation (WSE)

The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wetland

Those areas regulated under Section 404 of the Clean Water Act as identified under guidelines employed by the United States Army Corps of Engineers in evaluating permit applications under 33 U.S.C. 1344 and applicable Federal regulations.

Wild Animal

Any animal that:

- (1) Typically is found in a non-domesticated state and that, because of its size or vicious propensity, because it is poisonous or for any other substantial reason poses a potential danger to persons, other animals, or property; or
- (2) Is classified as a wild animal by the State Wildlife Resources Commission.

 X

None

 Y

Yard

An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Front

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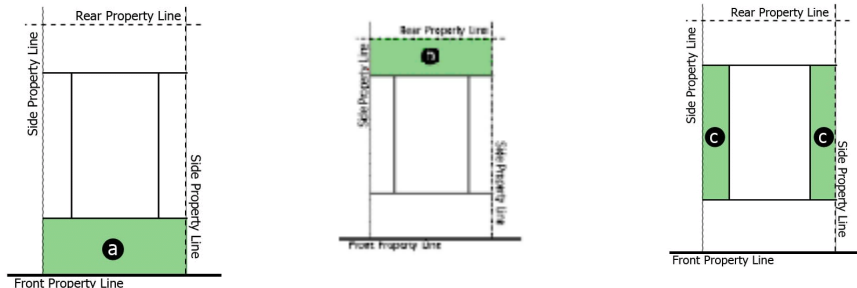
A yard across the full width of the lot, extending from the front line of the footprint of the principal building to the lot line abutting the street right-of-way upon which the lot fronts. (Exception, see Lot, Ocean Front.)

Yard, Rear ^(b)

A yard extending across the full width of the lot between the rear line of the footprint of the principal building and the rear lot line.

Yard, Side ^(c)

- (1) An open unoccupied space on the same lot with a principal building situated between the side line of the footprint of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.
- (2) If no front yard is required, the front boundary of the side yard shall be the front line of the lot; and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.



Z

Zero Lot Line

A concept commonly used in planned developments where individual commercial buildings or dwellings, such as townhouses (row houses) and patio homes, are to be sold along with the ground underneath and, perhaps, a small yard or patio area. The commercial or residential units are grouped in buildings with two (2) or more units per building, usually including common walls. With zero lot line, the minimum requirements for lot area and yards are not met and construction takes place right up to the lot line.

Zoning

- (1) A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established, as are regulations governing lot size, building bulk, placement, and other development standards.

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- (2) Requirements vary from district to district, but they must be uniform within districts.
- (3) The zoning ordinance consists of two (2) parts: a text and a map.